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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of	:	Keane, Michael
Serial No.	:	09/881,441
Filed	:	June 14, 2001
For	:	Measuring Speech Quality
Examiner	:	Harper, Vincent P
Art Unit	:	2654

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to "Director of Patents and Trademarks, Washington, D.C. 20231," on April 14, 2003.
Name of person signing Jennifer J. Ramirez
Signature

REPLY BRIEF

Honorable Director of
Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

The length Examiner's Answer raises several matters that warrant refutation. The Applicants continue to maintain their argument set out in the appeal brief filed on October 30, 2002, and offer the further following comments which underscore the Examiner's errors..

Regarding the 102 rejection of claim 11 (Answer, pp 4 – 5 and 14 – 17)

The present invention requires that the test voice information is combined with the normal voice call packets. Comparison at the receive end is then made between stored test voice information which is identical to the transmitted test voice information so that a real comparison can be made and noise delay, etc. identified.

Lewis teaches a system which sends voice and test data on different calls, column 3 lines 3-8. An original voice sample is passed to processing circuitry and then transmitted along a path towards a terminal. The return original voice sample is known as the modified voice sample and a comparison is made between the modified voice sample and the original voice sample to determine what characteristics, noise delay, etc. are present on the path. However, when it comes to sending true voice data this is sent at a different time and very probably along a different path than the test data. Accordingly the information derived from sending the test data is unlikely to be relevant to the actual voice call when it is made. Claim 11 of the present application clearly indicates that the signal of the voice call and the test data are transmitted along the same path at the same time and this is the important feature of the invention which is not disclosed in Lewis. The Examiner is therefore in error.

Regarding the 103 objection to the other claims 1, 3, 7, 8, 14, 16, 17, 18, 19, 20 and 21 (Answer pp 5 – 9 and 17 –19)

The combination of Lewis and Tschudin cannot lead one to the claimed invention. With regard to this further rejection the Applicants also maintain the arguments presented in the earlier Appeal Brief.

In addition, it is worthy of reiteration that Lewis does not teach sending voice call data and test data at the same time in the same packets on the same path and hence any information relating to test data derived from Lewis cannot necessarily apply to the voice call when it occurs. In addition, there is no teaching in Tschudin which can provide the features that Lewis lacks and that are defined in the current claims. To reiterate, neither Lewis nor Tschudin describe providing each node or terminal with the same stored test voice information. Also there is no teaching of embedding test data and voice data together on the same call. The Applicants cannot understand how one could apply Tschudin to Lewis and reach the claimed invention, and the Examiner's comments are clearly in error.

Regarding claims 4, 9, 10, 22 and 23 the Applicants maintain the same argument as presented in the Appeal Brief.

Regarding claims 2, 5 and 15 the Applicants maintain the same arguments as are included in the Appeal Brief.

For claims 12 and 13 the Applicants maintain the same arguments as are included in the Appeal Brief.

At page 15 of the Examiner's Answer the Examiner makes the following comment "In response to the applicant's argument that the references fail to show certain features of the applicant's invention, it is noted that the features upon which the applicant relies (i.e. that the voice and test data travel the same path and there is stored test data at each node terminal of the network) are not recited in the rejected claims." The applicants respectfully suggest that this is quite clearly not the case.

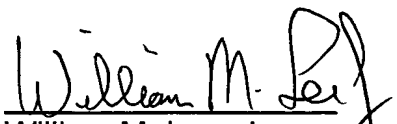
With reference to claim 1, lines 3-4 state "each of the first and second nodes comprising the same stored test information". This clearly indicates that there is stored test information at each node or terminal of the network.

With regard to the point relating to voice and test data travelling the same path, lines 6-8 of claim 1 form the basis in the claim for this facet of the invention "the voice call packets having at least some parts of the stored test voice information added to some of the packets". In other words the voice call and the stored test voice information are all in the same packets to be transmitted. Then the next step of the claim "forwarding the packets which include at least some parts of the stored test voice information to the second node" shows that the voice and test data travel the same path at the same time. Hence the Applicants cannot understand the point being made by the Examiner at this point in the response at page 15.

In general the Applicants believe that the Appeal Brief and this Reply Brief give clear and unequivocal justification for issuing a patent based on the appealed claims. Reversal of the Examiner is submitted to be appropriate and is again solicited.

April 14, 2003

Respectfully submitted,



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